



## CALIFORNIA TRIBAL WATER SUMMIT 2009

*Protect Our Sacred Water*

### **BRIEF HIGHLIGHTS – DAY 2 DISCUSSIONS**

#### ***(1) Opening Remarks and Keynote Speaker: The History of Water in California***

- Caleen Sisk-Franco, Spiritual Doctor and Leader, Winnemem Wintu Tribe, explained how agencies and businesses have progressively appropriated and degraded Tribal lands, and argued that the time has come to prioritize preserving the environment.
- Secretary Mike Chrisman, California Natural Resources Agency, emphasized that water impacts everybody's lives, and Tribal perspectives are critical for the California Water Plan.
- Director Lester Snow, California Department of Water Resources, highlighted that climate change means that people must alter how they manage water, and that the Summit was a step toward fixing some of the mistakes that had been made in the past.
- Keynote Speaker Mark Franco, Headman of the Winnemem Wintu Tribe, reviewed the colonization of California and the corresponding commoditization of water. He emphasized that water is not a commodity, and selling it is like selling your own blood. He explained how California's water history has been filled with greed at the same time as Tribes have been neglected, and asked people to remember what was lost and what has been saved.

#### ***(2) Rivers, Streams, Dams, and Fish and Watersheds Session:***

##### ***Identifying Next Steps and Moving toward Solutions***

- State agencies have been operating with a certain mindset for a long time, and this will take a sustained effort to change.
- Tribes should unite around water issues, as they share the same general problems and challenges. With 110 Tribes in California, Tribes can influence policy by reaching out and encouraging Tribal people to vote for candidates that represent their interests.
- Tribal water rights should be recognized as senior water rights, and should protect Tribal fishing practices.
- Cleaning up toxins in the water should be the first priority, rather than diverting water.
- The State Water Resources Control Board maintains a mailing list and would be happy to notify people of actions taking place in their area either by email or mail. The California Water Plan's Tribal Communication Committee email listserv also distributes information about water processes in California, and is open to everybody.
- The California Environmental Protection Agency is developing ways to better communicate with Federally and non-Federally recognized Tribes, and maps and a database that show pollutants and toxin levels within California watersheds; this should be available in 2010.
- Tribes need greater representation at the County, State, and Federal levels.

- The State must develop a system or process for interacting with Tribes, and a State Office of Indian Affairs, to ensure that Tribes have a voice in decisions that affect them, and that agencies do not pass their responsibilities off onto one another.
- If the State is asking Tribes to conserve water and relinquish water rights, they should also be asking this of the agriculture sector. Director Snow noted that the November 4<sup>th</sup> legislative package requires agricultural water users to (1) to measure the amount of water that they are using; (2) to price their water based on volume; and (3) to prepare a plan that determines which best management practices they will implement, based on what is locally cost effective and feasible.
- Tribes acquiring new lands should be treated as municipalities, and should be able to use water for beneficial uses rather than just those tied to the water right.
- The California Water Plan should account for Tribal Water Rights, and State leaders should support the actions of Tribes to adjudicate their Federal water rights.
- Tribes must build relationships with agencies other than just the U.S. Bureau of Indian Affairs. State agencies and Tribes have common interests in ecosystem restoration and environmental stewardship.
- Tribes should get more involved in the Integrated Regional Water Management Plan (IRWMP) planning processes – both Tribes and other water users would benefit. Alternately or additionally, a Tribal IRWMP process should be established.
- The new Delta Conservancy should include a Tribal representative.
- Tribes should meet with representatives from the California Natural Resources Agency and its departments to design a consultation process and increase Tribal representation on various steering committees.
- All Tribal people attending the Summit should brief their leaders, if they are not here, on the day's discussions.

***(3) Luncheon Speaker and Second Keynote Speaker: Water as Sacred and Tribal Water Rights in California***

- Luncheon Speaker Eagle Jones, Redwood Valley Rancheria, explained how he brings his understanding of water as sacred to his work on domestic water and wastewater activities. He works primarily on contaminated water supplies, and encouraged participants to educate their youth about their struggles to protect water.
- Keynote Speaker Monty Bengochia, Chairman, Bishop Paiute Tribe, described efforts to lobby for Tribal water rights in Southern California. Mr. Bengochia communicated the importance of understanding how the Earth was created, and that all life has a right to life and water, including plants, animals, and people.
- Mark LeBeau, California Rural Indian Health Board, referenced the United Nations Declaration on the Rights of Indigenous Peoples, highlighting that the document protects the right to traditionally-held resources for indigenous communities.

***(4) Tribal Water Rights in California and Institutions/Legal/Agencies Session:  
Identifying Next Steps and Moving toward Solutions***

- State agencies do not look at Indian communities as true partners. The California Legislature is setting policies for the next century, but has not consulted Tribes.
- Tribes do not have the same planning capacity as the State of California. The State should protect groundwater basins and make funds available to Tribes to address their water issues.
- The State should respect Tribal fishing rights and practices – Tribes who harvest seaweed, mussels, and abalone have had these rights abrogated by the Marine Life Protection Act.
- State agencies need to dismantle the administrative barriers that prevent Tribes from being fully involved in State policy. This includes non-Federally recognized Tribes, and Tribes that are in the process of being recognized.
- State agencies must communicate more with each other and with Federal agencies, and provide consistent messages and processes for involving Tribes. Otherwise Tribes spend their time and resources clarifying organizational questions rather than addressing substantive issues.

***(5) Roadmap for Addressing Tribal Water Issues***

- State agencies should endorse the United Nations Declaration on the Rights of Indigenous Peoples.
- Requiring non-Federally recognized Tribes to partner with Federally recognized Tribes in order to access State grant funds is demeaning. The State must consider its responsibility to all of its Native people.
- Like the California Water Plan and the California Department of Transportation's Environmental Justice Plan, the State should use the definition from California Senate Bill 18 (2004), which refers to Federally recognized tribes and those listed with the list maintained by the California Native American Heritage Commission.
- Planning processes should recognize Tribes as sovereigns, like the California Water Plan does. Tribes may have similar concerns as environmental justice groups, but are sovereign nations.
- Director Snow suggested several possible next steps:
  - Kamyar Guivetchi, DWR, to prepare work plan for the Department regarding Tribal issues
  - DWR to spearhead interagency Tribal communication network
  - need to include Tribal boundaries and information on Geographic Information System layers used in water planning
  - need to reconcile State and Federal consultation policies
  - need to integrate Tribes in the Integrated Regional Water Management Plan planning processes

- pursue having a high level person in the Department to be a coordinator of Tribal issues
- Gaming Tribes need to be brought into these planning and improvement efforts
- Collaborative watershed projects and planning should address the linkages between land use planning and water management.
- The California Department of Fish and Game must be willing to meet with Tribes about salmon and river restoration.

***(6) Summit Proceedings and Closing Remarks***

- Summit Proceedings will be included in the California Water Plan Update 2009, to be released at the end of February 2010. The Water Plan will be widely distributed throughout California, including to anyone interested who could not attend the Summit.
- Participants observed a moment of silence for Mr. Melvin Carmen, a member of the Summit Planning Team who recently passed away. Mr. Carmen played an influential role in the Water Plan developing a new strategy around forest management, including meadow restoration. In recognition of his efforts, the California Water Plan Update 2009 will dedicate its Forest Management chapter to him. This is the first time a Water Plan chapter has been dedicated to anyone.
- Ron Goode, Chairman, North Fork Mono Tribe, announced that the doors are opening for all California Native American Tribes, and now everyone must walk through and join the others at the table. Mr. Goode challenged everyone to take a new approach to water, and recognize that water rights is not just about people, but also plants, animals, and fish. He emphasized educating children to understand the history and sacredness of water, because future generations have to understand where water comes from, where it goes, and what it is supposed to do. The information presented and the discussions were tremendous, but the real work begins with implementing everything that has been laid out. Mr. Goode encouraged everyone to listen to the water and how it whispers, and closed the Summit with a water song.